

Appl. No. 09/989,348
Amdt. dated November 10, 2003
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1624

REMARKS

As an initial matter, Applicants wish to thank the Examiner for indicating that Claims 26-28, 31-33 and 42-46 would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Claim 24 has been amended in accordance with indications by the Examiner that arguments submitted by the Applicant were persuasive with reference to the term "prodrug". Applicants have removed the terms "esters" and "amides," as well as "solvates" and "hydrates". Additionally, without acquiescing to the propriety of the rejection, and in order to advance prosecution for the claims viewed as being merely objected to, Applicants have canceled claims 34-41. Applicants believe no new matter is introduced.

Rejections under 35 U.S.C. §112, first and second paragraphs

Claims 34-41 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In view of the cancellation of these claims, Applicants believe this rejection is now moot and respectfully request that it be withdrawn.

Claims 24-25 stand rejection under 35 U.S.C. §112, first paragraph, as the Examiner feels the specification does not enable the skilled artisan to prepare solvates or hydrates of the claimed compounds. Applicants have amended the claims to remove reference to solvates and hydrates, though disagreeing with the Examiner's assertion. Applicants respectfully request that this rejection be withdrawn.

Claims 24-25 and 29-30 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement for the esters and amides. The Examiner noted "any ester or amide is new matter", and indicated that Applicants could revert to the original "prodrug" language. In view of the amendment to claim 24, Applicants respectfully request that this rejection be withdrawn.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925 472-5015.

Respectfully submitted,



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